## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION DOCKET NO. 5:17-cr-00020-FDW-DSC-1

UNITED STATES OF AMERICA,	)	
Plaintiff,	) ) )	
VS.	)	
	)	ORDER
JOHN LEWIS CHAMBERS,	)	
	)	
Defendant.	)	
	)	

THIS MATTER is before the Court on remand from the Fourth Circuit Court of Appeals for the limited purpose of ruling on Defendant - Appellant John Lewis Chambers's motion for extension of time under Fed. R. App. P. 4(b)(4). (Doc. No. 37).

"In a criminal case, a defendant's notice of appeal must be filed in the district court within 14 days after the later of: (i) the entry of either the judgment or the order being appealed; or (ii) the filing of the government's notice of appeal." Fed. R. App. P. 4(b)(1)(A). However, a district court "[u]pon a finding of excusable neglect or good cause, . . . may--before or after the time has expired, with or without motion and notice--extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b)." Fed. R. App. P. 4(b)(4).

In this case, the Court entered judgment on January 10, 2018. Counsel for Defendant subsequently filed a Notice of Appeal (Doc. No. 27) and a Motion for Leave to File Notice of Appeal Out of Time ("Motion") (Doc. No. 28) on January 29, 2018.

The Court has reviewed Defendant's Motion, which sets forth the reasons for the untimely Notice of Appeal and indicates that the government consents to the relief requested in the Motion.

Therefore, for the reasons stated in the Defendant's Motion, the Court finds excusable neglect and

good cause for extending the time to file a notice of appeal up to and including January 29, 2018.

IT IS THEREFORE ORDERED that Defendant's Motion for Leave to File Notice of

Appeal Out of Time (Doc. No. 28) is GRANTED and Defendant's Notice of Appeal (Doc. No.

27) is deemed timely filed. The Deputy Clerk is respectfully directed to forward a copy of this

Order to the Fourth Circuit Court of Appeals along with the record on appeal.

IT IS SO ORDERED.

Signed: April 4, 2018

Frank D. Whitney

Chief United States District Judge